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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
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14 Plaintiff(s),
15 v.
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17 Defendant(s).
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CV _____ AHM()

ORDER RE: PROTECTIVE ORDERS
AND TREATMENT OF
CONFIDENTIAL INFORMATION

19 The Court has adopted the following substantive and procedural guidelines for
20 protective orders, whether stipulated or not:

21 **I. Guidelines for Protective Order Provisions.**

22 **A. Clear and Precise.** A protective order must be sufficiently precise and
23 clear, so that:

- 24 1. All parties and other persons who are bound by the order know
25 precisely what they are required to do, permitted to do, and
26 forbidden from doing.
27 2. In the event that any party seeks to have another party who
28 supposedly violated the order held in contempt, it is necessary that

1 the order contain no ambiguity concerning the parties' rights and
2 responsibilities.

3 **B. Narrowly Tailored.** A protective order must be narrowly tailored and
4 cannot be overbroad. Therefore,

- 5 1. The documents, information, items or materials that are subject to
6 the protective order shall be described in a meaningful fashion.
7 (For example, "blueprints," "customer lists," or "market surveys,"
8 etc.) It is not sufficient to use only the conclusory term "trade
9 secrets."
10 2. In proposing or agreeing to the protection of "trade secrets," the
11 definition for that term in California Civil Code § 3426.1 should
12 be incorporated into the protective order, either by reference or by
13 quotation.¹

14 **C. Burden of Proof.** The party designating information, documents,
15 materials or items as confidential bears the burden of establishing the confidentiality.

16 **D. Procedures for Filing Confidential Information with the Court.** All
17 Court orders will be presumptively available to the public. Therefore, if a protective
18 order provides that evidence may be filed under seal and if a party does file such
19 evidence under seal, all papers that refer to or rely upon such evidence shall designate
20 the particular aspects that are confidential. This will enable the Court, in drafting
21 orders, to determine whether there is evidence which the Court should attempt not to
22 disclose. Absent such advance notification, the Court will be free to incorporate all
23 such evidence in its written and oral rulings.

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26 ¹ Cal. Civil Code § 3426.1 provides that trade secret "means information, including a formula,
27 pattern, compilation, program, device, method, technique, or process, that: (1) Derives independent
28 economic value, actual or potential, from not being generally known to the public or to other persons who
can obtain economic value from its disclosure or use; and (2) Is the subject of efforts that are reasonable
under the circumstances to maintain its secrecy."

1 **E. Use of Confidential Information at Trial.** In the event that the case
2 proceeds to trial, all of the information that was designated as confidential and/or kept
3 and maintained pursuant to the terms of a protective order becomes public and will be
4 presumptively available to all members of the public, including the press, unless
5 sufficient cause is shown in advance of trial to proceed otherwise.

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7 **II. **Procedure for Obtaining Protective Order.****

8 **A. Stipulated Protective Orders.** Any proposed stipulated protective order
9 submitted to the Court shall reflect the guidelines set forth in this order. If
10 satisfactory, the Court will sign the proposed protective order and cause it to be filed.
11 If not satisfactory, the Court will return it to counsel, with reference to the provisions
12 that have to be added or changed. Thereafter, any revised proposed stipulated
13 protective order shall contain such modifications.

14 **B. Motions for a Protective Order.** In the event that the parties are unable
15 to agree upon the terms of a protective order, the procedure for obtaining such an
16 order is that set forth in Local Rule 37-1 through 37-4, concerning discovery motions.
17 In civil cases, the motion will be addressed to and resolved by the magistrate judge.
18 The party initiating the motion shall ensure that this order is attached to the joint
19 stipulation. When filing the motion, the party seeking the protective order shall lodge
20 with the court *in camera* copies of the evidence for which it seeks a protective order.

21 The Court thanks counsel for their anticipated cooperation and compliance
22 with this order.

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24 Dated: _____, 20____

A. HOWARD MATZ
United States District Judge